

United States District Court

SOUTHERN

DISTRICT OF

TEXAS

MCALLEN DIVISION

UNITED STATES OF AMERICA

V.

United States District Court
Southern District of Texas
FILED

CRIMINAL COMPLAINT

Joel Flores
A208 171 450
United States CitizenPRINCIPAL
YOB: 1985

MAY 08 2015

Case Number:

M-15-0745-M

Clerk of Court

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about May 7, 2015 in Starr County, in the Southern District of Texas defendants(s) did,
(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact Gomercindo Ramos-Ramos, and Fredy Samuel Marroquin-Godinez, citizens and nationals of Guatemala, along with four (4) other undocumented aliens, for a total of six (6), who had entered the United States in violation of law, did knowingly transport, or move or attempts to transport said aliens in furtherance of such violation of law within the United States, that is, from a location near Roma, Texas to the point of arrest near Roma, Texas,

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii) FELONY
I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On May 7, 2015, at approximately 6:15 P.M., Rio Grande City Border Patrol Agents J. Gonzalez and M. Zaldumbide were assigned to collateral intelligence duties in the area of Roma, Texas in an unmarked vehicle. BPA's J. Gonzalez and M. Zaldumbide observed an older green and white Ford pickup truck drive into an area known as "The Purple Apartments", turn around and park facing north towards Portscheller Street. At this time, BPA's Gonzalez and Zaldumbide observed a group of individuals emerge from the brush and run to the vehicle. BPA Gonzalez and Zaldumbide observed three subjects enter the front cab of the pickup, and three more jump into the bed of the truck, one of which they observed jump into the toolbox that was mounted to the truck bed.

BPA Gonzalez and Zaldumbide notified Border Patrol Agents in the area of the developing traffic. During this time, the vehicle began to drive north on La Fragua Street, and turned eastbound on U.S. Highway 83. BPA Gonzalez and Zaldumbide began to follow the vehicle in their unmarked unit.

SEE ATTACHED

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ Noapproved by
JST [Signature][Signature]
Signature of ComplainantMichael K. Garza Senior Patrol Agent
Printed Name of Complainant

Sworn to before me and subscribed in my presence,

May 8, 2015
Dateat McAllen, Texas
City and StateDorina Ramos, U. S. Magistrate Judge
Name and Title of Judicial Officer[Signature]
Signature of Judicial Officer

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

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CONTINUATION:

BPA R. Castillo and A. Feldenzer made our way towards the area and were able to establish visual contact of the vehicle that agents witnessed load up. Upon seeing Agent R. Castillo pull in behind the suspected load vehicle, BPA Gonzalez and Zaldumbide confirmed to Agent Castillo that the vehicle he was following was the same vehicle they had witnessed load up. At this time, agents following the suspected load vehicle observed the vehicle making multiple turns onto various streets in an attempt to evade detection by law enforcement vehicles who were following behind them.

The driver of the green and white Ford, later identified as Joel FLORES neglected to stop at the stop sign at the intersection of La Fragua Street and Athens Street. Witnessing this traffic violation, Roma ISD Police Officer L. Garcia initiated a traffic stop. Flores came to an abrupt stop, exited the vehicle and then ran into the brush. BPA Castillo secured the load vehicle and all subjects in said vehicle, while Officer Garcia and Agent Feldenzer proceeded to pursue and eventually able to apprehend FLORES.

After a thorough search of the vehicle, agent found three passengers in the front seat and three in the truck bed, with one subject was wedged tightly beneath the tool box, and another subject was found inside the tool box of the truck bed. The latch of the toolbox was secured making it unable for alien to exit without assistance. BPA Castillo conducted an immigration inspection on all subjects, eventually finding that all six were undocumented aliens illegally present in the United States. Flores and the six undocumented aliens were transported to the Rio Grande City Border Patrol Station for processing.

PRINCIPAL STATEMENT:

Joel Flores was advised of his rights, understood his rights and voluntarily stated that he was willing to give a sworn statement without the presence of a lawyer.

FLORES stated that he received a call from a subject that goes by "Jefe" asking him to pick up some illegal aliens. FLORES stated that he picked up several subjects from Roma just west of the water plant and was going to take them to a residence north on Efren Ramirez in Roma, Texas. He also stated that he was going to get paid \$100 US dollars for each subject. FLORES stated that he has smuggled aliens about 8 times in the past, and each time he dropped them off at the same residence in Roma, Texas.

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MATERIAL WITNESS STATEMENTS:

Gomercindo RAMOS-Ramos and Samuel Marroquin-Godinez were advised of their Miranda Rights as in the Spanish language both signed the form indicating that they understood their rights and were willing to provide a sworn statement without the presence of an attorney.

MATERIAL WITNESS STATEMENT 1:

Gomercindo RAMOS-Ramos, a citizen and national of Guatemala, stated he made his arrangements with a subject and paid him \$3,000 Quetzal. RAMOS-Ramos stated he traveled with three men which he met on his way to Miguel Aleman. RAMOS-Ramos stated an unknown picked his group and took them to the river where one guide was waiting. RAMOS-Ramos stated after crossing into the United States, the guide told them to walk to the top of the street and an older white Ford was going to pick them up, the guide also told them where they would be sitting at. RAMOS-Ramos stated the guide stayed at the river's edge and they proceeded to follow the guide's instructions, they walked for thirty minutes and found the older model white truck. RAMOS-Ramos stated the driver of the white truck was a heavy set male. RAMOS-Ramos stated he sat in the front cabin on the floor. RAMOS-Ramos stated inside the cabin of the truck was the driver and two female immigrants he crossed the river with. RAMOS-Ramos stated the male started driving and a few minutes later the driver stopped and turned off the vehicle and got off running. RAMOS-Ramos stated police arrived shortly after. RAMOS-Ramos described the driver of the truck as a heavy set, light skinned male in his 30's. RAMOS-Ramos positively identified the driver of the older white truck as Joel Flores in space #5 from a photo lineup.

MATERIAL WITNESS STATEMENT 2:

Fredy Samuel Marroquin-Godinez, a citizen and national of Guatemala, stated that he made smuggling arrangements in Guatemala. MARROQUIN was to make one payment of \$2000.00 U.S. dollars during his smuggling attempt to Houston. MARROQUIN stated he crossed the river with approximately four other subjects and one guide. Once across the river, the guide left them at the river bank and told them where the vehicle would be waiting and gave instructions where to sit. MARROQUIN stated he was told to get into the tool box in the bed of the pickup truck. MARROQUIN also stated that shortly after the vehicle started moving, it came to a stop and he was asked to depart from the tool box by a police officer.